

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**

**Before the Double Bench of Mr. Naveen Verma, Chairman  
& Mrs. Nupur Banerjee, Members**

Case No. CC/1478/2020,

Poonam Jha.....Complainant

Vs

M/s Agrani Homes Real Services Pvt. Ltd..... Respondent

PROJECT: - PG Town, Block-B

**ORDER**

**04-02-2022** This matter was last heard on 20-01-2022.

The case of the complainant is that she had enter into an agreement for the booking of flat bearing Flat No.201 in Block-B, of Agrani PG Town project in 2018 and had paid Rs.15 lakh as total consideration amount for the flat. The complainant has submitted that till date neither the development work has been commenced nor the aforesaid project is registered with RERA. Since no construction work has been started by the respondent company, the complainant has written a letter on 02-12-2019 to the CEO of the respondent company requesting to cancel the booking of his flat and process for refund of the deposited amount. She further submitted that respondent has promised to refund the amount by Aug, 2020 but no refund has been made. She further submitted that on 15-09-2020 the complainant through his lawyer has send legal notice to respondent company asking about the refund of the

deposited amount but the respondent has not given any reply to that till date. Hence, the complainant has filed the present case seeking relief for the refund of the deposited amount with interest.

The complainant has placed on record money receipts dt.25-01-2018 for Rs.2 lakh,dt.25-02-2018 for Rs.5 lakh, dt.10-04-2018 for Rs.5 lakh, totalling to Rs.12 lakh, issued by the respondent company in respect of payments made. Further the complainant has placed on record MOU with the signature of only complainant upon it showing that the total amount paid to respondent company is Rs.15 lakh including the tax amount of Rs.1,60,714 through RTGS dt.27-04-2018 and cheque of India Bank bearing no.056634, dated 25-01-2018 & cheque bearing no.056636, dated 23-03-2018. Complainant has also placed on record cancellation letter dt.02-12-2019 and legal notice dt.15-09-2020.

The respondent has not filed any specific reply in this case. However, Mr. Alok Kumar, Managing Director of the respondent company was present on the last date of hearing and has not challenged the submission of the complainant and the facts are being admitted.

During the last hearing on 20-01-2022, complainant had submitted that in 2018, she had booked a flat under onetime payment scheme and paid Rs.15 lakh but since no work was done in the project, she wants refund of the deposited money with interest and had submitted a letter for cancellation on 2.12.2019.

Mr. Alok Kumar, MD of respondent company, present during last hearing had offered the proposal of land/flat to the complainant but complainant reiterated her prayer for refund with interest.

The Bench notes that the respondent has violated Section 3 of RERA Act, 2016 as the respondent was continuously advertising, marketing, booking, selling apartments/plots without registering the real estate project with RERA for which Suo Motu proceeding be initiated against the respondent company under Section 59 of the Real Estate (Regulation and Development) Act, 2016. The Bench also observes that the application of registration of Project “PG Town” has been rejected by the Authority by order dated 02.09.2021.

After considering the documents filed and submissions made, the Bench hereby directs the Respondent Company and their Directors to refund the principal amount of Rs.15 lakh (Fifteen Lakh) to the complainant along with interest at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for two years from the date of taking the booking within sixty days of issue of this order.

With these directions and observations, the matter is disposed of.

Sd/-

**Naveen Verma**  
(Chairman)

Sd/-

**Nupur Banerjee**  
(Member)